



STATE OF WASHINGTON

## STATE BUILDING CODE COUNCIL

### Washington State Energy Code Development Standard Energy Code Proposal Form

Jan 2022

Log No. 21-GP3-006

Code being amended: ☐ Commercial Provisions ☒ Residential Provisions

Code Section # R403.13

#### Brief Description:

Delete section R403.13 (heat pump space heating mandate) in entirety. This newly added section of the 2021 WSEC-R did not exist in the previous 2018 edition.

**Proposed code change text:** (Copy the existing text from the Integrated Draft, linked above, and then use underline for new text and ~~strikeout~~ for text to be deleted.)

~~**R403.13 Heat pump space heating.** Space heating shall be provided by a heat pump system.~~

#### **Exceptions:**

- ~~1. Detached one- and two-family dwellings and multiple single family dwellings (townhouses up to three stories in height above grade having an installed HVAC heating capacity no greater than 1.5 watts of electric resistance heating per square foot of dwelling unit conditioned floor area, or up to 500 watts, whichever is greater.~~
- ~~2. Group R-2 dwelling or sleeping units having an installed HVAC heating capacity no greater than 750 watts in Climate Zone 4, and 1,000 watts in Climate Zone 5, in any separate habitable room with exterior fenestration are permitted to be heated using electric resistance appliances. For buildings in location with exterior design conditions below 4°F (-15.6°C), an additional 250 watts above that allowed for Climate Zone 5 is permitted.~~
  - ~~2.1. A room within a dwelling or sleeping unit that has two primary walls facing different cardinal directions, each with exterior fenestration, is permitted to have an installed HVAC heating capacity no greater than 1,000 watts in Climate Zone 4, and 1,300 watts in Climate Zone 5. Bay windows and other minor offsets are not considered primary walls. For buildings in location with exterior design conditions below 4°F (-15.6°C), an additional 250 watts above that allowed for Climate Zone 5 is permitted.~~
- ~~3. Resistance heating elements integrated into heat pump equipment.~~
- ~~4. Solar thermal systems.~~
- ~~5. Waste heat, radiant heat exchanger, and energy recovery systems.~~
- ~~6. Supplementary heat in accordance with Section R403.1.2.~~
- ~~7. Where there is no electric utility service available at the building site.~~
- ~~8. Heating systems that rely primarily on biomass are allowed in Climate Zone 5.~~

**Purpose of code change:**

This proposal begins to remedy conflicting provisions in the WSEC-R that are preempted by federal law (EPCA).

The sole purpose of section R403.13 is to mandate heat pump space heating appliances thus prohibiting covered products (42 U.S.C. § 6295) in direct violation with the EPCA. Aside from supplemental heat, the WSEC provides limited exceptions for electric resistive space heating, but not gas space heating appliances (covered product per 42 U.S.C. § 6295).

For any covered product, “EPCA, 42 U.S.C. § 6297(c), expressly preempts State and local regulations concerning the energy use” California Restaurant Ass'n v. City of Berkeley (9th Cir. 2023).

Your amendment must meet one of the following criteria. Select at least one:

- |   |  |
|---|--|
| <input type="checkbox"/> Addresses a critical life/safety need.   | <input checked="" type="checkbox"/> Consistency with state or federal regulations. |
| <input type="checkbox"/> The amendment clarifies the intent or application of the code.                                     | <input type="checkbox"/> Addresses a unique character of the state.                |
| <input type="checkbox"/> Addresses a specific state policy or statute.<br>(Note that energy conservation is a state policy) | <input type="checkbox"/> Corrects errors and omissions.                            |

Check the building types that would be impacted by your code change:

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Single family/duplex/townhome | <input type="checkbox"/> Multi-family 4 + stories | <input type="checkbox"/> Institutional |
| <input checked="" type="checkbox"/> Multi-family 1 – 3 stories    | <input type="checkbox"/> Commercial / Retail      | <input type="checkbox"/> Industrial    |

Your name	Gregory Johnson	Email address	gregory.johnson@avistacorp.com
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Your organization	Avista Corporation	Phone number	509-495-4928
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Other contact name [Click here to enter text.](#)

## **Economic Impact Data Sheet**

**Is there an economic impact:** ☐ Yes ☒ No

Briefly summarize your proposal's primary economic impacts and benefits to building owners, tenants, and businesses. If you answered "No" above, explain your reasoning.

In reference to the currently in force 2018 WSEC-R, there is zero economic impact as this proposal rolls back changes that the 2021 WSEC-R would have imposed. This proposal averts any cost increases that this section of the 2021 WESC would have created.

Provide your best estimate of the **construction cost** (or cost savings) of your code change proposal? (See OFM Life Cycle Cost [Analysis tool](#) and [Instructions](#); use these [Inputs](#). [Webinars on the tool can be found Here](#) and [Here](#))

**\$0 /square foot** (For residential projects, also provide **\$0 / dwelling unit**)

Show calculations here, and list sources for costs/savings, or attach backup data pages

Provide your best estimate of the **annual energy savings** (or additional energy use) for your code change proposal?

**0 KWH/ square foot (or) 0 KBTU/ square foot**

(For residential projects, also provide **0 KWH/KBTU / dwelling unit**)

Show calculations here, and list sources for energy savings estimates, or attach backup data pages

In reference to the currently in force 2018 WSEC-R, there is zero energy impact as this proposal rolls back changes that the 2021 WSEC-R would have imposed.

List any **code enforcement** time for additional plan review or inspections that your proposal will require, in hours per permit application:

Zero impact to plan review or inspection time or process.

**Small Business Impact.** Describe economic impacts to small businesses:

This proposal averts any cost increases that this section of the 2021 WESC-R would have created. Zero small business impact in relation to the currently in force 2018 WSEC-R.

**Housing Affordability.** Describe economic impacts on housing affordability:

This proposal averts any cost increases that this section of the 2021 WESC-R would have created. Zero housing affordability impact in relation to the currently in force 2018 WSEC-R.

**Other.** Describe other qualitative cost and benefits to owners, to occupants, to the public, to the environment, and to other stakeholders that have not yet been discussed:

Reduces legal risk and uncertainty to building officials, municipalities, and the state related to conflicting provisions in this code that are preempted by federal law.